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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :
MMA by TMI, LLC :
t/a To Be Determined :
2066 Rhode Island Avenue NE: Case #15-PRO-00106
License #100283 :
Retailer CT New License :
Wednesday, January 6, 2016 :
- - - - - X

Wednesday, January 6, 2016

Whereupon, the above referenced matter
came on for hearing at the Alcoholic Beverage
Control Board, Reeves Center, 2000 14th Street,
N.W., Suite 400S, Washington, D.C. 20009.

CHAIRPERSON: DONOVAN ANDERSON

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2 ANDREW KLINE, ESQ.,

3 on behalf of MMA by TMI t/a To Be Determined

4 NOLAN TREADWAY, ESQ.,

5 On behalf of ANC 5C and Protestant

6

7 OTHER PERSONS PRESENT

8 NICK ALBERTI, BOARD MEMBER

9 RUTHANNE MILLER, BOARD MEMBER

10 JAMES SHORT, BOARD MEMBER

11 MIKE SILVERSTEIN, BOARD MEMBER

12 MARTHA JENKINS, GENERAL COUNSEL

13 DANETTE WALKER, LEGAL SPECIAIST

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P R O C E E D I N G S

1 CHAIRPERSON ANDERSON: I'd like to welcome
2 you to the regularly scheduled meeting of the
3 District of Columbia Alcoholic Beverage Control
4 Board. Please note that today's hearing will be
5 conducted in accordance with D.C. Official Code
6 Section 2574 of the Open Meetings Act. Today is
7 -- I should know what today is -- today is
8 January 6, 2016. I'd like to introduce members
9 of the board with us today. To my far right is
10 Ruthanne Miller, to my immediate right is Mr.
11 Nick Alberti, to my left is Mr. Mike Silverstein
12 and to my immediate left is Mr. James Short. My
13 name is Donovan Anderson and I am the Chairman of
14 the Board.

15 The Board has five members in attendance for
16 the conducting of business today and this
17 constitutes a quorum. I'd like to mention a two
18 things before we get started. First of all, if
19 you have any electronic devices: Pagers, cell
20 phones or such, please make sure that you have

1 turned them off to avoid any interruption of the
2 proceedings. Secondly, there is a piece of paper
3 on each table and when you come forward as your
4 case is called, please take a seat at the table
5 and please sign in. This is to ensure that a
6 correct spelling of your name as well ??.

7 Additionally, when you introduce yourself for
8 the record please spell your name aloud for the
9 court reporter. I'd like to note it is now 9:35
10 and we are starting off the new year and it is my
11 intent that we will try to start every morning
12 promptly at 9:30, so for the folks who normally
13 appear here, I will try to be here at 9:30 every
14 morning so I expect everyone to be here at 9:30.

15 Alright, we have several hearings to cover --
16 our hearings on our calendar today and the first
17 case on our calendar is a protest hearing status.
18 Case #15-PRO-00106, MFA by TMI, license #100283.
19 Will the parties please appear?

1 MR. KLINE: Good morning, Andrew KLINE on
2 behalf of the applicant.

3 MR. TREADWAY: Good morning. Commissioner
4 Nolan Treadway, representing both the protest
5 group and ANC 5C.

6 CHAIRPERSON ANDERSON: Alright, thank you.
7 And you were for the protestants it sounds like.

8 MR. TREADWAY: I'm sorry, what was that?

9 CHAIRPERSON ANDERSON: No, I'm just saying
10 that it seemed you were granted standing at the
11 protest hearing, is that correct?

12 MR. TREADWAY: Yep.

13 CHAIRPERSON ANDERSON: Alright. Now, this
14 hearing is scheduled for January 27, 2016, at
15 4:30. And I just -- just to let you know that
16 there are just a few things that I would like to
17 inform you as the protestant in this matter. At
18 the hearing, I want to make sure that the -- we
19 focus what the issues are. What specifically the
20 issues are in this protest hearing to ensure that

1 we have a short -- I want to have a short hearing
2 but an efficient hearing -- so we need to hone in
3 on the issues that are in question, because the
4 Board, it's our intent to hear testimony on the
5 case if it's relevant to the case.

6 Just some instructions you should have
7 received by electronic or regular mail, a letter
8 explaining the protest process, a copy of the
9 protest information form, if you don't have these
10 documents, please contact our assistant,
11 counsel, Ms. Raines, following the hearing if you
12 don't have that information.

13 It's also imperative that you review the
14 rules closely and adhere to them before and
15 during the protest hearing. You are also
16 required to complete the form -- the [inaudible
17 4:20:00] -- with the protest information form and
18 the exhibit form seven days before the date of
19 the hearing and these two forms and accompanying
20 documents need to be sent to ABRA's legal

1 division and all opposing counsel in a timely
2 manner. If we do not receive a copy of the
3 protest information form, your application, and
4 your protest, whichever side you represent, may
5 be dismissed.

6 Likewise, if we do not receive a copy of the
7 exhibit forms and exhibits themselves your
8 exhibits may be excluded from the record as we
9 cannot find the other party may have already been
10 prejudiced. [inaudible 00:00] 4:45. So, thank
11 you today to Paul Brigson and good luck on the
12 negotiation. Yes sir?

13 MR. TREADWAY: I reached out earlier this
14 week to the applicant's counsel here asking about
15 pushing the hearing back or rescheduling it. I'm
16 scheduled to be on work travel on January 27th,
17 so I was, I'd approached them to see if we could
18 do it in conjunction -- I had approached them to
19 see if we could do it in conjunction. I hadn't

1 heard back, so I was wondering if you had
2 received that e-mail or had any --

3 CHAIRPERSON ANDERSON: [inaudible]

4 MR. KLINE: At this time we're not prepared
5 to consent to that. This is a new application.
6 The applicant is required to begin paying rent
7 and will suffer hardship, which is why, of
8 course, the law requires that these cases be
9 heard timely, but I'm happy to consider, talk
10 about it after this hearing, and see if there's
11 some accommodation.

12 CHAIRPERSON ANDERSON: That's fine. I would
13 hope that the parties would be -- since the
14 applicant doesn't consent and I would ask for you
15 to -- if you're unable to agree -- file a motion.

16 MR. TREADWAY: Mm hmm.

17 CHAIRPERSON ANDERSON: File a motion asking
18 for an extension and give us a reason why you're
19 asking -- why and why it's necessary.

1 MR. TREADWAY: Sure, and there are, I mean we
2 -- on both the ANC resolution and on the protest
3 petition, we listed backup representatives, so I
4 think we should be covered if I -- if I -- we're
5 not able to change the date, I have backup people
6 that are already party and everything, so we
7 should be able to continue.

8 CHAIRPERSON ANDERSON: Okay, that's fine.
9 Well, then, good luck and let us know and we'll
10 try to accommodate both parties.

11 MR. TREADWAY: Okay, so my -- the process
12 would be to file a motion with you and with the
13 Board -- and when is the turnaround for that?
14 And what's the? --

15 CHAIRPERSON ANDERSON: Hold on one minute,
16 please. Well the hearing is scheduled for
17 January 27th so you have three weeks, so I'll say
18 that within a week, by next week, if you're
19 unable to -- if you're unable to --

1 MR. TREADWAY: Okay, I just wasn't sure if,
2 like, the Board had to meet to hear that motion
3 or if it was -- and how often that happened -- or
4 what the procedure was on that -- on the ABC side
5 of how that worked.

6 CHAIRPERSON ANDERSON: I'm still learning
7 myself, too, but I'm just saying that --

8 UNKNOWN: Oh my, Mr. Chair.

9 CHAIRPERSON ANDERSON: So, I will say that
10 I'm hoping that the parties can work it out since
11 Mr. Kline practices much -- he is a guru, from
12 what I was told -- in this area of law so I would
13 -- I would hope that you guys can come up with
14 some type of reasonable accommodation and if not,
15 we will try to accommodate both parties.

16 MR. KLINE: We'll see what we can do.

17 MR. TREADWAY: Okay.

18 CHAIRPERSON ANDERSON: Okay?

19 MR. KLINE: Thank you.

20 MR. TREADWAY: Thank you.

1 CHAIRPERSON ANDERSON: Alright you're free to
2 go. Thank you.

3 MR. TREADWAY: Thanks a lot.

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